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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/741,252	12/21/2000	Raymond J. Higgs	10,024	8196

7590 02/05/2004
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EXAMINER

BAYAT, ALI

ART UNIT PAPER NUMBER

2625

DATE MAILED: 02/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/741,252

Applicant(s)

HIGGS ET AL.

Examiner

Ali Bayat

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8 and 13-15 is/are allowed.
- 6) ☒ Claim(s) 9-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saran et al. (U.S. 4,376,933).

In regard to claim 9 Saran provides for a memory for storing information (Fig.2C col.4 lines 60-65); a processor operative to read bits of a bitmapped file (col.4 lines 6-63) and count the number of successive bits of the same binary state (Fig.2B step #1) and to thereafter divide the count of the number of successive bits by a constant (col.4 line 65-col.5 line 6, note that run length is 100(N=100), and the maximum number of bits per memory location is 23. Then quotient will be 4(Q=4) and the remainder will be 8 (R=8) or $(100 \div 23 = 4.8)$ and to thereafter define at least one byte of information based on the resulting (Q=4, which refers to 4 byte of information). But Saran does not specifically provides for a system to display images associated with the control of HVAC, however it would have been obvious to a person of ordinary skill in the art at time the invention was made to incorporate the teaching of Saran to store bitmapped files to display images associated with the control of a HVAC. Because, the data compactor circuit described herein has a variety of uses and can be most easily

explained in terms of its use in a computer controlled facsimile system for the transmission of image data col.2 lines 20-23).

With regard to claims 10-11, see claim 9 above. They recite similar limitations as claim 9. Hence they are similarly analyzed and rejected.

As to claim 12, Saran provides for a system, wherein the constant is representative of the maximum numerical value of a byte of information (col.4 lines 65-68, the maximum number of bits per memory location is 23).

Allowable Subject Matter

2. Claims 1-8 and 13-15 are allowed.

The following is an examiner's statement of reasons for allowance: the prior art of Saran provides for a data compactor circuit described herein has a variety of uses and can be most easily explained in terms of its uses and can be most easily explained in terms of its use in a computer controlled facsimile system for the transmission of imaginal data, but does not teach a processor operative to read information stored in a memory wherein stored information includes a number of bytes of information collectively defining a numerical representation as to the number of consecutive pixels in an image equal to a first pixel state followed by an number of bytes of information collectively defining a numerical representation as the number of consecutive pixels in the image equal to a second pixel state opposite to said first pixel state, each number of bytes including a number of equally valued bytes wherein the number of equally valued bytes is an integer obtained by dividing the number of consecutive pixels in the image of the given data by a numerical constant.

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It is for this reason and in combination with all the other limitation in the claims, that claims 1-8 and 13-15 are allowable over the prior art of Saran.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Other Cited References

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. patent 4,297,727 to Ogawa et al. is cited for facsimile apparatus.

U.S. patent 5,153,936 to Morris et al. is cited for dual density digital image system.

U.S. patent 4,420,771 to Pirsch is cited for technique for encoding multi-level signals.

U.S. patent 5,727,036 to Maertens is cited for high bit rate start code searching and detecting circuit and method.

U.S. patent 6,456,742 to Chan is cited for method for image processing.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ali Bayat whose telephone number is 703-306-5915. The examiner can normally be reached on M-Thur 9:00-7:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on 703-3085246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ali Bayat *AB*
Patent examiner
Group Art Unit 2625
2/2/04

Timothy M. Johnson
TIMOTHY M. JOHNSON
PRIMARY EXAMINER